

REMARKS

The Office Action dated July 11, 2006 has been fully considered by the Applicant.

By way of the present amendment, independent Claims 1, 17, 18 and 19 have each been amended to clearly convey the invention.

The rejection of Claims 1, 3-19, as now amended, under 35 U.S.C. §103(a) as unpatentable over Townsend et al. (U.S. Patent No. 6,501,514) in view of Robbins (U.S. Patent No. 6,317,882) is respectfully traversed.

Townsend is directed to the selection of programs for assembly of a customized channel which is distinct from the present invention.

With reference to the Examiner's comments on Claim 1 in the paragraph on pages 2 and 3 of the office action, in Townsend, the prompts alerting the user to related programmes are provided *in response to the user selecting* a particular programme. On page 7 of the Office Action, the Examiner submits that nowhere does Townsend disclose that their system requires a customized channel, yet in the section selected by the examiner, it is clearly stated that "the processor is arranged to respond to such linking data by displaying prompts when the viewer selects one movie for the custom channel" (column 16, lines 50-53), in the portion of the description entitled "Custom Channel" (column 15, line 48).

In addition, Townsend discloses data services transmitted in a single channel (column 4, lines 62-66), apparently to contrast with the provision of a separate customized channel, he appears to confuse the custom channel, which is a virtual channel programmed by the viewer in accordance with his planned viewing schedule (column 15, lines 57-60) i.e. a channel defined by the programs that the user has selected for viewing, with the broadcast channel defined as the carrier signal containing a single service or a plurality of services (column 2, lines 8-19).

In other words, Townsend teaches that a single broadcast channel, containing a plurality of services (or program channels), is received by the decoder, and the user can select programmes to view in the future thereby creating a virtual programme channel. When the viewer selects one program for future viewing in this way, if the program is an episode of a series, the processor may prompt the user to select further episodes.

In contrast, the present invention does not require the user to select a program for future viewing to provide the user with the prompt. Rather, the user is provided with the prompt when watching a programme, during or at the end of that program.

Notably the present invention prompts the user about a future episode when viewing a current episode, at a predetermined time with reference to the *current* episode i.e. during or at the end of that episode. In contrast, Robbins teaches that "when the broadcast program is eventually broadcast, an ID code transmitted with the broadcast is detected and the system may ... take any other action to alert or make it easy for a viewer to remember to watch the program." i.e. a prompt (reminder) for the future episode is generated at a time with reference to that *future* episode. The difference is that if for example a viewer was watching a programme with daily episodes, the invention would prompt the user at the end of the first episode, that there was a second episode the following day. According to the teaching of Robbins the user would not be prompted until just before the second episode started; so if the user had gone out for the day they would not see this prompt and would therefore miss the programme.

The independent claims have been amended accordingly to clarify the invention to the Examiner.

It is improper to combine references to achieve the invention under consideration unless there is some incentive or suggestion in the references to do so.

The Court of Appeals for the Federal Circuit has repeatedly held that under Section 103, teachings from various references can be combined only if there is some suggestion or incentive to do so. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F2d 1572, 221 USPQ 929 (CAFC 1984).

Stated another way:

It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps...The references themselves must provide some teaching whereby the applicant's combination would have been obvious. In re Gorman, 18 USPQ2d 1885 (CAFC 1991).

The Examiner is required to follow the law as set forth by the Federal Circuit. In summary, the combination of the Townsend and Robbins patents to achieve the claims of the present invention is untenable.

In summary, it is believed that the independent claims patentably define the invention.

In addition, with respect to the Examiner's comments on claim 3, Robbins teaches a system that generates a reminder just before the "future" episode is shown. Therefore it is not implicit that a reminder for the "future" episode is generated at the end of the "current" episode as indicated by the examiner. Rather, claim 3 describes the feature of searching for "future" episodes at the end of the "current" episode, a feature not disclosed in the prior art. We therefore believe the objection should be retracted.

With respect to the Examiner's comments on claim 7, as Robbins only generates an indicator prior to a single "future" episode, there is no disclosure of a single indication displaying details of a plurality of future showings of the "future" episodes. The feature of claim 7 is therefore not disclosed in the prior art and we therefore believe the objection should be retracted.

With regard to the examiner's comments on claim 8, there is no disclosure of the feature of only showing details of programs that do not overlap with programs already scheduled for viewing. Indeed, it is noted that typical electronic program guides (EPG) tend to show all programs which are available at a particular time and do not show a limited selection based on programs already scheduled for viewing. It is accepted that if the user selects a program which conflicts with one already scheduled, then the EPG notifies the user accordingly. However, this is not the same as displaying a restricted view in the first place, as per claim 8, and unless the examiner is aware of further prior art which demonstrates this feature we suggest the objection is retracted.

Attached is a Request for Three-Month Extension of Time. Enclosed is a check in the amount of \$1020 to cover the extension fee.

It is believed the foregoing is fully responsive to the outstanding Office Action. If any further issues remain, a telephone conference with the Examiner is respectfully requested.

If any further fees are associated with this action, please charge Deposit Account No. 08-1500.

Respectfully Submitted

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